

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff, :

v.

**Case No. 2:21-cr-172
Judge Sarah D. Morrison**

MICHAEL SAYEGH, :

Defendant.

ORDER

The Court held a telephone status conference on the record in this matter on August 29, 2022. Pursuant to this Court's prior May 27, 2022 Scheduling Order (ECF No. 32), counsel for the Government advised that he had provided his proffer of expert testimony to defense counsel on or before July 15, 2022, but failed to file the proffer under seal with the Court. Defense counsel failed to timely exchange or file under seal his response proffer of expert testimony. Counsel represented that they jointly agreed that defense counsel could have additional time for his response proffer although he failed to get Court approval to the modification of the schedule. The parties were admonished that the Court sets the case schedule, including all deadlines, not the parties.

The parties also advised the Court that this case will not be ready for a jury trial on October 31, 2022, as previously scheduled. (ECF No. 30.)

The Court therefore **ORDERS**:

- The Government to send its proffer of expert testimony to the Court's courtroom deputy for filing, under seal, on or before **August 30, 2022**.
- The parties to meet and confer regarding deadlines for (1) defense counsel to provide and file, under seal, his response proffer of expert testimony and (2) the parties to file any *Daubert* or other motions relating to any challenges to the expert reports. The parties shall submit their proposed deadlines to the Court on or before **September 6, 2022**.
- Defense counsel to file a motion to continue the trial on or before **September 6, 2022**. The parties must meet and confer to identify three possible trial dates for the Court's consideration and those three dates shall be provided to the Court in Defense counsel's motion. The trial date selected by the Court will not be moved absent extraordinary circumstances.

There will be no changes to these deadlines without prior order from the Court.

IT IS SO ORDERED.

/s/ Sarah D. Morrison
SARAH D. MORRISON
UNITED STATES DISTRICT JUDGE